



# MEMORANDUM

**DATE:** July, 20, 2020

**TO:** MEMBERS, State Board of Education

**FROM:** TONY THURMOND, State Superintendent of Public Instruction

**SUBJECT:** Senate Bill 98 Education Finance: Overview of the Learning Continuity and Attendance Plan Provisions

## Summary of Key Issues

On June 29, 2020, Governor Newsom signed Senate Bill (SB) 98 Education Finance: Education Omnibus Budget Trailer Bill. SB 98 replaces the requirements for a 2020–21 Local Control and Accountability Plan (LCAP) and Annual Update with a Learning Continuity and Attendance Plan (Learning Continuity Plan). The bill requires the Learning Continuity Plan to include specified information about the instruction and support the local educational agency (LEA) will provide to pupils in the 2020–21 school year as a result of the uncertainty caused by COVID-19 and potential school closures. SB 98 supersedes the requirement to develop and adopt a Local Control and Accountability Plan by December 15, 2020 established by Executive Order N-56-20.

## SB 98 Overview in Conjunction with Accountability and Planning

SB 98 established that the LCAP and an annual update to the LCAP are not required for the 2020–21 school year. The legislation requires that the Budget Overview for Parents be developed and adopted by December 15, 2020.

SB 98 creates California *Education Code (EC) 43509*, codifying the process requirements for the Learning Continuity Plan as well as the required elements LEAs must include in the Learning Continuity Plan. The statute establishes that the Learning Continuity Plan template be developed by the State Superintendent of Public Instruction, in consultation with the Executive Director of the State Board of Education, on or before August 1, 2020.

LEAs must adopt their Learning Continuity Plans by September 30, 2020. The following section outlines the requirements for planning meaningful stakeholder engagement, adopting the Learning Continuity Plan, submitting and posting the Learning Continuity Plan, and the content areas that must be addressed in the Learning Continuity Plan.

# **Overview of Learning Continuity and Attendance Plan Requirements as stated in SB 98**

## **Stakeholder Engagement Requirements:**

- LEAs must consult with teachers, principals, administrators, other school personnel, bargaining units, parents, and pupils while developing the Learning Continuity Plan and solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the Learning Continuity Plan.
- LEAs must notify members of the public regarding opportunities to provide written comments to proposed actions and expenditures included in the Learning Continuity Plan.
- LEAs must present the Learning Continuity Plan to the Parent Advisory Committee and English Learner Advisory Committee, as applicable, in separate meetings, for review and comment. School district and county office of education (COE) superintendents must respond in writing to comments received from these committees.
- Throughout the Plan development and stakeholder feedback process, LEAs must provide options for remote participation in the public hearings and include efforts to solicit feedback and to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

## **Adoption Process Requirements:**

- LEAs shall present the Learning Continuity Plan at a public hearing for review and comment.
- The Learning Continuity Plan shall be adopted at a public meeting after, but not on the same day, as the public hearing.
- The Learning Continuity Plan must be adopted by LEAs on or before September 30, 2020.

## **Submission Requirements:**

- The Learning Continuity Plan shall be filed no later than 5 days after adoption.
  - o A school district shall submit its Learning Continuity Plan to the COE.

- o A COE, including those COEs with jurisdiction over a single district, shall submit its Learning Continuity Plan to the California Department of Education (CDE).
- o A charter school shall submit its Learning Continuity Plan to its authorizer and COE unless the COE is the chartering authority.
- Reviewing authorities do not approve the Learning Continuity Plan; however, COEs and the CDE **may** submit recommendations, in writing, for amendments to the Learning Continuity Plan by October 30, 2020.
  - o The governing boards of school districts and COEs **must** consider the written recommendations at a public meeting within 15 days of receiving the recommendations.
  - o Charters schools are not contemplated in the recommendation language.

**Posting Requirement:**

- LEAs must prominently post the Learning Continuity Plan on the homepage of the LEA's website, consistent with the LCAP posting requirements as specified in EC sections 52065 and 47606.5.

**Adherence requirements:**

The Learning Continuity Plan adopted by the LEA shall address continuity of learning and include all of the information specified in the Learning Continuity Plan Template developed by the CDE in consultation with the SBE Executive Director.

**The Learning Continuity Plan Template must include, but is not limited to the following:**

A description of how the LEA will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community and the specific actions and expenditures the LEA anticipates taking to support its ability to address the impacts of COVID-19.

- In-person instructional offerings, and specifically, the actions the LEA will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures

Learning Continuity Plans for a distance learning program, including all of the following:

- How the LEA will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery
  - o This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.
- A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs
- How the LEA will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, as well as how the time value of pupil work will be measured
- What professional development and resources will be provided to staff to support the provision of distance learning, including technological support
- To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be
- What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided

How the LEA will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

- How the LEA will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics
- What actions and strategies the LEA will use to address learning loss and accelerate learning progress for pupils, as needed, and how these strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section 42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness
- How the effectiveness of the services or supports provided to address learning loss will be measured

How the LEA will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

Pupil engagement and outreach, including the procedures of the LEA for tiered re-engagement strategies for pupils who are absent from distance learning, and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or if the LEA determines the pupil is not engaging in instruction and is at risk of learning loss.

School nutrition, including how the LEA will provide meals for pupils who are eligible for free or reduced-price meals for pupils participating in both in-person instruction and distance learning, as applicable.

- Note: this requirement is contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

A description of how federal and state funding included in the original or revised budget adopted by the governing board of an LEA is used to support the efforts described in the Learning Continuity Plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of the act. If the actions and expenditures described in the Learning Continuity Plan are not included in the budget, the Plan shall reference how these expenditures will be included in the first interim report of the LEA.

**\*\*\* A description of how the LEA is increasing or improving services in proportion to funds generated based on the number and concentration of unduplicated pupils under the Local Control Funding Formula in the 2020–21 fiscal year consistent with the regulations adopted by the state board pursuant to Section 42238.07.** The description shall include the portion of any federal funds provided to backfill reductions to the Local Control Funding Formula on a dollar-for-dollar basis generated based on the number and concentration of unduplicated pupils.

## **Stakeholder Involvement and Supporting the Development of the Learning Continuity and Attendance Plan Template**

The timeline for collecting stakeholder input to inform the development of the Learning Continuity Plan Template, is, by necessity, compressed.

The LCAP Advisory Group that helped to develop the three-year LCAP Template met on July 1, 2020, to create a draft Learning Continuity Plan Template.

The CDE has scheduled a series of webinars that will provide guidance as well as seek stakeholder feedback on the draft Learning Continuity Plan Template. The schedule of webinars held and tentative webinar topics and dates are as follows:

**June 30, 2020:** Overview SB 98 (1,251 participants)

**July 14, 2020:** Presentation of the draft Learning Continuity Plan Template for Stakeholder Input and Feedback

**July 21, 2020:** Learning Continuity Plan Template Overview

**July 28, 2020:** Distance Learning, Pupil Engagement and Outreach, Professional Development, and Staff Support

**August 4, 2020:** Social Emotional Learning, Nutrition, Supporting Students (Foster Youth, Students Experiencing Homelessness, Unduplicated Students, Students with Exceptional Needs, and English learners)

On June 30, 2020, California's System of Support was mobilized to support LEAs through the development, adoption, and implementation process of their Learning Continuity Plans. The CDE, SBE, California Collaborative for Educational Excellence (CCEE) are working together to support a quick and efficient roll-out of the Learning Continuity Plan Template. The CDE and CCEE will coordinate the efforts of state agencies, county offices of education, System of Support lead agencies, and content experts from the field to collaborate on the following projects:

- Development and Cultivation of Existing Resources and Tools that will inform the development of LEAs' Learning Continuity Plans
- Synthesis of Resources and Tools Developed and Cultivated into user-friendly summary documents, general slide decks that can be used at the local level, reflection and continuous improvement tools, and protocols for facilitation
- Implementation and Continuous Support of LEAs through the Learning Continuity Plan development, adoption, and implementation processes

The collective goal of each of the projects listed above is to provide ongoing, targeted support that meets the individual needs of each of our LEAs so that they can focus on responding to the needs of their communities, schools, and most importantly, their pupils and families.

## Attachment(s)

None.